

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARI DANIEL, individually and as the
Personal Representative of the Estate of
MELVIN DANIEL, and as Guardian for the
minor children, M.A. DANIEL, DOB
6/13/90, & B.A. DANIEL, DOB 6/28/93, and
MARI DANIEL, as the Personal
Representative of the Estate of FRED
RAMISKEY,

Plaintiffs,

v.

THE COLEMAN COMPANY, INC., a
Delaware corporation,

Defendant.

CASE NO. 06-5706 KLS

ORDER GRANTING PLAINTIFFS'
MOTION TO COMPEL DISCOVERY
and DIRECTING THE PARTIES TO
MEET AND CONFER

This matter comes before the Court on the Plaintiffs' Motion for Reconsideration (Dkt. # 56) of this Court's denial of the Plaintiffs Motion to Compel Discovery (Dkt. #55). The Defendant filed no objection to the Motion for Reconsideration but does continue to oppose the extent of requested discovery.

As Jeffery Campiche notes in his Declaration (Dkt. #48) he also represents plaintiffs in *Ongpituk v. The Coleman Company, Inc.*, No. 06-01779 Z. The *Ongpituk* case involves many claims that are similar to the claim before this Court and revolve around the use of a Coleman Powermate 5045 propane heater.

A similar motion to compel discovery was granted by Judge Zilly on August 27, 2007. The issues


1 raised in that motion to compel revolve around the same issues that are present in this claim. Therefore,
2 the plaintiffs' motion to compel is hereby GRANTED to the same extent as granted by Judge Zilly.

3 **Case Coordination of Discovery - Meet and Confer:** The *Ongpituk* case was filed in Seattle on
4 December 13, 2006 and has a trial date of February 19, 2008. The *Daniel* case was filed on December 13,
5 2006 in Tacoma and has a March 31, 2008 trial date. Both cases involve claims for wrongful death
6 resulting from the use of a Coleman Powermate 5045 propane heater. While there are different plaintiffs in
7 each case, the defendant is the same and there is a significant overlap of counsel in both cases.

8 The undersigned notes that there have been at least four motions filed in both cases with very
9 similar, if not identical language, used in each motion. Filing similar, if not identical, motions in the two
10 courts does not make good use of counsel's time or judicial resources.

11 While this Court does not know if there will be any more identical motions filed in both courts, the
12 undersigned is directing counsel to prepare an agreed plan to coordinate motion practice and discovery
13 with regard to similar issues in both cases. This plan must avoid any further duplicative motion practice
14 and provide for coordinated use of discovery and depositions pertaining to issues that are common to both
15 cases. The parties are directed to file such an agreed plan **no later than November 2, 2007**, or if no such
16 plan is agreed to, file responses to this court's directive as to why such a plan is not agreed to or cannot be
17 agreed to in this matter.

18 DATED this 15th day of October, 2007.

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21 Karen L. Strombom
22 United States Magistrate Judge
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